

**REMARKS**

By this Response, claims 1, 6-7, and 10-11 have been amended. Support for all amendments is found in the specification as originally filed. No new matter is added. Reconsideration of this application for allowance of all pending claims are hereby respectfully requested in view of the amendments to the claims and the following remarks.

**Rejection under 35 U.S.C. § 112**

In Section 2 of the Office Action, dated July 26, 2005, the Examiner rejected claims 1-9, and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this Response, the Applicant has addressed issues raised by the Examiner under 35 U.S.C. § 112, second paragraph, and amended the claims accordingly. The Applicant hereby respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, being withdrawn.

**Rejection under 35 U.S.C. § 103**

In Section 3 of the Office Action, claims 1-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,628,607 to Hauck et al. (hereafter “Hauck”) in view of U.S. Patent No. 6,778,506 to McDonnell (hereafter “McDonnell”). The Applicant respectfully traverses the rejection.

The amended claim 1 recites “a bus reset process” which performs a “bus reset when it is determined that no new annular path is formed” due to an added new transmission path and a “transmission-path disconnection process” in which the added transmission path is made unavailable when it is determined that “a new annular path is formed” due to the added new transmission path. Neither Hauck nor McDonnell, or a combination thereof, discloses the feature

that a bus reset is performed when it is determined that no new annular path is formed, as recited in the amended claim 1.

According to MPEP § 2142, to establish a prima facie case of obviousness, three basic criteria must be met. Relevant here is the criterion that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” As indicated, neither of the cited prior art references nor a combination thereof teaches the feature of “a bus reset process” which performs a “bus reset when it is determined that no new annular path is formed” due to an added new transmission path, as recited in claim 1. Thus, the Applicant respectfully submits that no prima facie case of obviousness can be established. Thus, independent claim 1 is not obvious over Hauck in view of McDonnell. Therefore, the Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn and respectfully submits that claim 1 is now patentable.

The amended claim 7 recites the feature that, when an arbitrary transmission path is eliminated, a logically unavailable transmission path, that is not the eliminated transmission path, is made available temporarily if it is determined that no annular path is formed by making the logically unavailable transmission path temporarily available. Neither Hauck nor McDonnell, or a combination thereof, discloses this feature as recited in claim 7. That is, the cited prior references, either used alone or combined, do not teach or suggest all the claim limitations. Thus, independent claim 7 is not obvious over Hauck in view of McDonnell. Therefore, the Applicant respectfully requests that the rejection of claim 7 under 35 U.S.C. § 103(a) be withdrawn and respectfully submits that claim 7 is now patentable.

The amended claim 10 recites the feature that when “an annular path is formed in the network, the communication node logically makes the added transmission path unavailable” and

when there is no annular path formed due to the added transmission path, “the communication node performs a bus reset.” As discussed above with respect to claim 1, neither Hauck nor McDonnell, or a combination thereof, discloses the feature that a bus reset is performed when it is determined that no annular path is formed, as claimed in independent claim 10. That is, the cited prior references, either used alone or combined, do not teach or suggest all the claim limitations. Thus, independent claim 10 is not obvious over Hauck in view of McDonnell. Therefore, the Applicant respectfully requests that the rejection of claim 10 under 35 U.S.C. § 103(a) be withdrawn and respectfully submits that claim 10 is now patentable.

The amended claim 11 recites the feature that, when an arbitrary transmission path is eliminated, a communication node transmits a confirmation signal through a logically unavailable transmission path, other than the eliminated transmission path, by making it temporarily available. When no annular path is formed, the communication node keeps the logically unavailable transmission path available. Neither Hauck nor McDonnell, or a combination thereof, discloses this feature as recited in claim 11. That is, the cited prior references, either used alone or combined, do not teach or suggest all the claim limitations. Thus, independent claim 11 is not obvious over Hauck in view of McDonnell. Therefore, the Applicant respectfully requests that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn and respectfully submits that claim 11 is now patentable.

Claims 2-4 and 6 depend from claim 1. Therefore, claims 2-4 and 6 are patentable at least for the reasons stated above with respect to claim 1 and for the additional features recited therein.

Claim 5 depends from claim 4. Therefore, claim 5 is patentable at least for the reasons stated above with respect to claim 4 and for the additional features recited therein.

Claims 8-9 depend from claim 7. Therefore, claims 8-9 are patentable at least for the reasons stated above with respect to claim 7 and for the additional features recited therein.

**Conclusion**

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Michael E. Fogarty  
Registration No. 36,139

**Please recognize our Customer No. 20277  
as our correspondence address.**

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF/QH:llg  
Facsimile: 202.756.8087  
**Date: October 25, 2005**